

November 13, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

AO 91 (Rev. 11/11) Criminal Complaint

BY: Fidel Morales
DEPUTY**UNITED STATES DISTRICT COURT**

for the

Western District of Texas

United States of America
v.
Dereck Saddam Gastelum

Case No.

EP:23-M-03625-MATDefendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 10, 2023 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:*Code Section*

31 USC 5332

*Offense Description*Bulk Cash Smuggling-smuggle or attempt to smuggle more than \$10,000 in
currency or monetary instruments into or out of the United States, with the
specific intent to evade the U.S. currency reporting requirements; to wit,
\$25,000 USD.

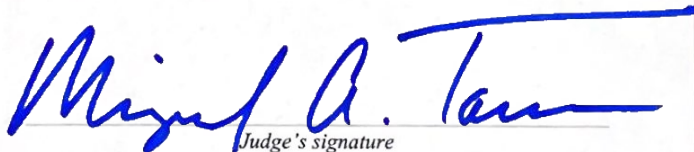
This criminal complaint is based on these facts:

I further state that I am a Homeland Security Investigations Special Agent and the complaint is based on the facts stated
within the attached affidavit.☒ Continued on the attached sheet.Complaint sworn to telephonically on
November 13, 2023 at 02:00 PM and signed
electronically. **FED.R.CRIM.P. 4.1(b)(2)(A)**
Complainant's signature

Jose Melendez, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/13/2023City and state: El Paso, Texas
Judge's signature

Miguel A. Torres, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

On November 10, 2023, Homeland Security Investigations (HSI) Special Agent (SA) Jose Melendez, the affiant, responded to a call at the Paso Del Norte (PDN) Port of Entry (POE) in El Paso, Texas, which is in the Western District of Texas. The call was in reference to the seizure of bulk cash from the United States to the Republic of Mexico. Bureau of Customs and Border Protection Officers (CBPO) provided the following information to the affiant.

On November 10, 2023, at approximately 2:30 PM, Dereck Gastelum entered the outbound vehicle lanes from the United States to the Republic of Mexico at the Stanton Port of Entry. GASTELUM was the driver and sole occupant of a white 2013 Volkswagen Jetta (vehicle) registered to him and with an address in Juarez, Chihuahua, Mexico. On October 19, 2023, the vehicle crossed through the Bridge of the Americas Port of Entry. During a secondary inspection on October 19, 2023, a CBP officer found a non-factory compartment near the glove box.

During primary outbound inspection, CBPO Ornelas approached the vehicle and observed GASTELUM look away to avoid eye contact as CBPO Ornelas approached. CBPO Ornelas met with GASTELUM and received a negative Customs Declaration from GASTELUM. GASTELUM declared his purpose in the US was to go to an automated teller machine (ATM) to deposit approximately \$200. GASTELUM was asked and stated he had not been anywhere else while inside the US. CBPO Ornelas asked GASTELUM how much money he had in his possession. GASTELUM reached for his wallet and stated he had exactly \$200. CBPO Ornelas observed GASTELUM's hand was trembling as he reached for his wallet. CBPO Ornelas observed GASTELUM's voice would crack, and he would stutter when answering questions. GASTELUM was asked about his employment and stated he worked in a food truck which is why he was depositing money. CBPO Ornelas asked GASTELUM if his vehicle was in his possession the entire time while in El Paso, and GASTELUM said that the vehicle had been in his possession the entire time. CBPO Ornelas asked GASTELUM what time had crossed into El Paso, and GASTELUM said he had crossed at around 11:00 am. CBPO Ornelas asked GASTELUM why it took him so long to go to the ATM and GASTELUM paused for minute and then quickly said "oh it is because I also went to see my daughter in the Lee Trevinio area". CBPO Ornelas asked GASTELUM if he was taking anything to Mexico from the United States such as any firearms, ammunition or any type of military equipment and GASTELUM said he was not. CBPO Ornelas asked if he was taking more than \$10,000 USD to Mexico and advised him that it was not illegal to do so, that he only needed to report it. GASTELUM said he did not have that amount of money. CBPO Ornelas asked GASTELUM if he had a license to transport currency from the United States to Mexico and GASTELUM said he did not have one. CBPO Ornelas noticed GASTELUM was getting extremely uneasy. CBPO Ornelas asked GASTELUM for the vehicle's keys, and as GASTELUM handed the keys to CBPO Ornelas, he once again noticed GASTELUMS hands were trembling as he proceeded to do so. The vehicle was staged for secondary inspection.

In Secondary, CBPO Perales conducted an inspection of the vehicle. CBPO Perales noticed tampering on bolts near the glove box and observed a black tape wrapped package inside the dashboard near the glove box. CBPO Perales requested assistance from a CBP Canine officer. CBP Officer Hernandez and his currency and firearms canine conducted a sweep of the vehicle.

CBPO Hernandez observed his assigned canine alert to a trained odor coming from the vehicle glove box area.

Further inspection revealed a black tape wrapped package located inside a non-factory compartment in the dashboard area near the glove box. The package was opened and was found to contain two smaller packages of US currency. The currency was counted and found to total \$25,000 USD in cash.

GASTELUM, his vehicle and the currency were transported to PDN POE for processing.

Pursuant to the seizure of cash, HSI Special Agents were requested to the PDN Port of Entry. Homeland Security Investigations Special Agent Jose Melendez met with CBP Officers who provided the facts of the encounter.

SA Melendez in the presence of SA Eric Lopez from Texas DPS advised GASTELUM of his Miranda Rights in the Spanish language. Upon being advised of his Miranda Rights, GASTELUM stated that he understood his rights and requested an attorney prior to answering questions. All investigative questions ceased at this time. Only biographical information was obtained for administrative procedures.

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.